

1  
2  
3  
4  
5

6 IN THE UNITED STATES DISTRICT COURT

7  
8

FOR THE NORTHERN DISTRICT OF CALIFORNIA

9  
10

THE UNITED STATES OLYMPIC  
COMMITTEE and THE INTERNATIONAL  
OLYMPIC COMMITTEE,

No. C 08-03514 JSW

11  
12  
13  
14  
15

Plaintiffs,

v.

DOES 1-10,

Defendants.

**ORDER SETTING BRIEFING  
SCHEDULE AND HEARING ON  
*EX PARTE* APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER**

16  
17  
18  
19  
20  
21  
22  
23  
24

This matter comes before the Court upon consideration of Plaintiffs' renewed *ex parte* application for a temporary restraining order ("TRO") and order to show cause re issuance of a preliminary injunction. The allegations supporting the motion are set forth in the Amended Complaint and the memorandum in support of the request that the Court issue a temporary restraining order, and shall not be repeated here. In brief, among other alleged wrongs, Plaintiffs assert that Defendants are using Plaintiffs' trademarks on seven websites in order to solicit purchases of tickets to the 2008 Olympic Games that they are not authorized to sell. Plaintiffs further allege that it is likely that Defendants will not actually provide any tickets to those customers who paid for them.

25  
26  
27  
28

Plaintiffs are HEREBY ORDERED to serve a copy of this Order on Defendants via email by no later than 1:00 p.m. on July 30, 2008 and file a proof of service by no later than 3:30 p.m. on July 30, 2008.

**United States District Court**

For the Northern District of California

1           It is FURTHER ORDERED that Defendants shall file and serve any opposition to  
2 Plaintiffs' application for a TRO by 3:30 p.m. on July 31, 2008. Defendants shall deliver  
3 chambers copies of any documents they file by no later than 4:00 a.m. on July 31, 2008.

4           It is FURTHER ORDERED that a hearing on Plaintiffs' application for a TRO shall be  
5 heard on Monday, August 4, 2008 at 2:30 p.m. At the hearing, the parties should be prepared to  
6 answer the following questions:

- 7       (1) Upon review of the exhibits displaying the websites at issue, the Court notes that there  
8           are aspects of the websites which do not appear to be selling tickets, such as the sections  
9           entitled "Facts About Summer Olympics 2008" and "Sporting and Events Calendar  
10           Beijing 2008." The Court has concerns that issuing an injunction directing Defendants  
11           to forfeit and cease operating the websites at issue may be a prior restraint.  
12           (a) Do the parties have any authority demonstrating that such an injunction would or  
13           would not be a prior restraint?  
14           (a) If the injunction sought by Plaintiffs does amount to a prior restraint, should the  
15           proposed injunction be more narrowly tailored to direct Defendants to excise the  
16           alleged infringing and unlawful portions of the websites but allow Defendants to  
17           retain their websites to the extent there are portions which do not use Plaintiffs'  
18           trademarks and do not seek to sell tickets to the Olympics?  
19       (2) Have Plaintiffs satisfied the requirements of 15 U.S.C. § 1125(d)(2)(A)(ii) enabling  
20           them to file an in rem action?

21           **IT IS SO ORDERED.**

22  
23           Dated: July 30, 2008

24  
25  
26  
27  
28

*Jeffrey S. White*  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE  
by the Honorable Phyllis J. Hamilton